

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICK LEONARD TIERNEY,

Plaintiff,

v.

CARRINGTON MORTGAGE SERVICES
LLC, *et. al.*,

Defendants.

Case No. C20-1245-RSM

**ORDER REGARDING
SETTLEMENT CONFERENCE**

This case has been referred for a settlement conference before the Honorable S. Michelle L. Peterson, United States Magistrate Judge. (Dkt. # 89.)

Accordingly, IT IS HEREBY ORDERED:

A. Participation of Parties

All parties and their counsel are hereby DIRECTED to appear on:

February 8, 2022 at 9:30 a.m.

Virtual Settlement Conference via Zoom

All parties, representatives with full and complete settlement authority and lead counsel are required to personally attend the conference. An insured party shall appear by a representative of the insurer who is authorized to negotiate, and who has authority to settle the matter. An uninsured corporate party shall appear by a representative authorized to negotiate,

1 and who has authority to settle the matter. If there are other parties necessary to settle the case,
2 counsel must arrange for their attendance. Any counsel appearing without authority to negotiate
3 may result in an award to the other parties of their costs and fees incurred for the conference, or
4 other sanctions.

5 **The Settlement Conference is scheduled to start at 9:30 a.m.** Personal attendance is
6 required for the entire duration of the settlement conference.

7 **B. Format**

8 Consideration of settlement is a serious matter that requires thorough preparation prior to
9 the Settlement Conference. Set forth below are the procedures the Court requires the parties to
10 follow and the procedures the Court will employ in conducting the Conference:

11 **1. Pre-Settlement Conference Exchange of Demand and Offer**

12 A settlement conference is more likely to be productive if, before the conference, the
13 parties exchange written settlement proposals. Accordingly, **on or before February 7, 2022**, the
14 parties shall submit an updated written settlement demand to opposing counsel based on the
15 offers previously conveyed at the second settlement conference. The settlement demand should
16 include an itemization of damages claimed and the method by which they were calculated, as
17 well as any request for non-monetary relief, with a brief explanation of why such settlement
18 demand is appropriate. Failure to comply with the requirements of this paragraph may result in
19 the postponement of the Settlement Conference.

20 **2. Confidentiality**

21 The Court expects the parties to address each other with courtesy and respect. The parties
22 and counsel are encouraged to advise the Court of their pronouns and may do so by including
23 their pronouns in signature lines or advising the in-court deputy clerk before the Settlement

Conference begins either in writing or in person. Parties are encouraged to be frank and open in their discussions. As a result, statements made by any party during the Settlement Conference are not to be used in discovery or for any other purpose and will not be admissible at trial. LCR 39.1; Fed. R. Evid. 408(a). Any documents submitted for the Settlement Conference will be maintained in Chambers and will be destroyed after the Settlement Conference.

3. Settlement Conference Format and Requirements for Virtual Conferences

The Court will generally use a mediation format that consists of a joint session with an opening discussion by the Court. Opening statements by the parties are discouraged. Thereafter, there will be private caucusing by the Court with each of the parties. The Court expects both the lawyers and the party representatives to be fully prepared to participate. The Court encourages all parties to keep an open mind in order to re-assess their previous positions and to consider creative means for resolving the dispute.

The following guidelines and rules apply to all virtual conferences:

- **Conference Access:** The participants will be provided access information to the virtual session in advance. Participants are prohibited from sharing this information with any non-participant.
- **Secure Connection:** Participants must appear via video, telephonic appearance is not acceptable except under the most extenuating circumstances, which must be approved by Judge Peterson in advance of the Settlement Conference. Participants need a strong and secure internet connection to ensure proper functioning of the video feature. Each participant shall participate from a separate device, unless an alternative arrangement for joint participation is tested and approved in advance.
- **Prohibition on recording/relaying:** No one may audio or video record any part of the Settlement Conference. No one may transmit, broadcast, or relay the Settlement Conference to third parties.
- **Best Practices:** Log on to the scheduled Settlement Conference session at least 10 minutes in advance of the start time. When you are not speaking, please mute

1 yourself. Please keep in mind that it may take a moment for the Court to join or
2 exit a meeting room, and briefly pause so the Court does not inadvertently hear
any conversation intended to be private.

3 **4. Settlement Agreement**

4 In anticipation of a settlement, the parties shall bring to the Settlement Conference an
5 electronic copy of a draft settlement agreement in a form acceptable to them for signature by all
6 parties. If necessary, the Court may summarize the key terms of the agreement on the record. If
7 settlement is agreed, it is the responsibility of all counsel to immediately report the settlement to
8 the District Court as well as to timely memorialize the settlement.

9 DATED this 4th day of February, 2022.

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11 MICHELLE L. PETERSON
12 United States Magistrate Judge
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